

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6528
BILL NUMBER: HB 1522

NOTE PREPARED: Dec 16, 2010
BILL AMENDED:

SUBJECT: Smoking Devices and Tobacco Businesses.

FIRST AUTHOR: Rep. VanDenburgh
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that smoking pipes and smoking devices may be sold at retail only by tobacco businesses in which: (1) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and (2) the sale of other products is incidental. It makes a violation of this provision a Class A infraction.

It also makes it a Class C infraction for: (1) a tobacco business to allow an individual who is less than 18 years of age to enter the tobacco business; or (2) an individual who is less than 18 years of age to enter a tobacco business.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase.

The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. The maximum judgment for a Class C infraction is \$500, which is also deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Diana Agidi, 317-232-9867.